

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
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This document relates to:

Burnett, et al. v. Islamic Rep. of Iran, et al., No. 15-cv-9903 (GBD)(SN)

**DECLARATION IN SUPPORT OF MOTION FOR ENTRY OF PARTIAL FINAL
DEFAULT JUDGMENTS ON BEHALF OF NON-NATIONAL IMMEDIATE FAMILY
MEMBERS (OR THEIR FUNCTIONAL EQUIVALENTS) OF NON-NATIONAL 9/11
DECEDENTS**

(BURNETT NON-NATIONALS 4)

JOHN M. EUBANKS, Esquire, hereby states under penalty of perjury that:

1. I am an attorney with the law firm of Motley Rice LLC, attorneys for the Plaintiffs in the above-captioned matters. I submit this Declaration in support of this motion on behalf of the Moving Plaintiffs identified in Exhibits A and B (attached hereto) from the action titled *Burnett, et al., v. Islamic Republic of Iran, et al.*, 15-cv-9903 (GBD)(SN).

2. The form of this motion and the relief requested herein are intended to comply with the following orders of this Court:

- a. The Court's order dated January 24, 2017 (ECF No. 3435¹), requiring that “[a]ll further motions for final judgment against any defaulting defendant shall be accompanied by a sworn declaration attesting that the attorney has (1) complied with the due diligence safeguards [referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committee (ECF No. 3433)] and (2) personally verified that no relief has previously been awarded to any plaintiff included in the judgment (or, if relief has been awarded, the nature of that relief).” For compliance with the required sworn declaration, please see below.
- b. The Court's Order dated October 14, 2016 (ECF No. 3363) concerning the amounts of solatium damage awards.

¹ Unless indicated differently, citations to ECF Nos. are to the docket in *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN).

c. The Court's Order dated October 14, 2016 (ECF No. 3362) related to the cases captioned as *Bauer v. Al Qaeda Islamic Army*, 02-CV-7236 (GBD)(SN) and *Ashton v. al Qaeda Islamic Army*, 02-CV-6977 (GBD)(SN).

3. The Plaintiffs whose claims are submitted with this motion have not previously received judgments against these defendants in the MDL, and they do not have motions currently pending against these defendants in the MDL.

4. Service of process in the *Burnett* action on The Islamic Republic of Iran and the Islamic Revolutionary Guard Corps was executed pursuant to 28 U.S.C. § 1608(a)(4) on September 14, 2016 by service through diplomatic channels. Service in the *Burnett* case on the Central Bank of the Islamic Republic of Iran was executed pursuant to 28 U.S.C. § 1608(b)(3) on March 18, 2016 through direct mailing via the U.S. Postal Service.

5. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the Moving Plaintiffs on Exhibits A and B, in connection with the September 11th terror attacks, other court records relating to the *In re Terrorist Attack on September 11, 2001* multidistrict litigation to which these individuals are parties, my communications with other counsel for other plaintiffs in the *In re Terrorist Attack on September 11, 2001* multidistrict litigation, and conversations with these plaintiffs and other family members of these plaintiffs. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

6. The Plaintiffs identified in Exhibit A are immediate family members of non-U.S.-national 9/11 decedents who were killed in New York and Virginia who were not United States nationals at the time of the terrorist attacks on September 11, 2001.

7. The Plaintiffs identified in Exhibit B are non-immediate family members of non-U.S.-national 9/11 decedents who were killed in New York and Virginia who are seeking damages

as the functional equivalents of immediate family members and who were not United States nationals at the time of the terrorist attacks on September 11, 2001.

8. Attached hereto as Exhibit C is a true and correct copy of the Declaration of Solomon Gayle with exhibits.

9. Attached hereto as Exhibit D is a true and correct copy of the Declaration of Erica Zimmerman.

10. The damages amounts set forth in Exhibits A and B are the figures this Court has previously determined appropriate for solatium damages based on the familial relationship to the 9/11 decedent.

11. After reviewing the records available to me regarding other judgments entered by this Court against the Iranian defendants, I have not identified any relief that has previously been awarded to any particular plaintiff identified in Exhibits A and B.

12. Before filing this motion, I have (1) complied with the due diligence safeguards referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committees (ECF No. 3433) and (2) personally verified that, based on my review of the records available to me regarding other judgments entered by this Court against the Iranian defendants, no relief has previously been awarded to any plaintiff included in the judgment.

13. Accordingly, included with this motion is a proposed Order of Entry of Default as to Liability and Partial Final Judgment for the Plaintiffs Identified in Exhibits A and B, conforming to the Court's previous orders.

Dated: June 19, 2024

/s/ John M. Eubanks

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